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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,569	06/12/2006	Pawel Musial	US040023US2	1636

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
CHAKOUR, ISSAM	
ART UNIT	**PAPER NUMBER**
2617	

NOTIFICATION DATE	DELIVERY MODE
05/12/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/582,569	MUSIAL, PAWEL	
	Examiner	Art Unit	
	ISSAM CHAKOUR	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 March 2011*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This Office Action is responsive to remarks made by the Applicant filed on 03/01/2011.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-2, 10-11, and 19 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Brown et al (US Patent 7,085,818) in view of Mettu et al (Mettu, SPPA 2004/0226043).

4. Consider claims 1, 10, and 19, Brown discloses a method and a mobile terminal for providing user data pertaining to a user of a mobile terminal to a recommender system, the method comprising the steps of:

determining, by the terminal, a current location of the terminal (See Col 4 lines 21-27), wherein said current location is determined after receiving a initiating signal, said

initiating signal being one of a user input and a received signal (See Col 7 lines 12-18, note that the input mechanism allows the user to input initiating signal, see Col 4 lines 49-55);

saving, in the terminal, an identifier of the determined location, based on a longevity of said terminal in an area proximate said current location (See Col 10 lines 26-30 and Col 14 lines 21-25, note that event identifier, the event identifier includes location identifier, see Col 13 lines 62-64); and

informing, by means of the terminal, said recommender system (e.g. PIM server "user data filtering system") of the determined location (See Col 8 lines 47-54, note that the PIM server filter out relevant user information after receiving location information and records, see Col 6 lines 1-5);

wherein said determining step comprises determining a length of time for which the terminal stays in a region, and said recommender system is arranged for proposing content related to said region if the length of time is longer than a predetermined time period (See claim 13, see also Col 10 lines 26-30).

Brown may not teach explicitly that the recommender system is of a consumer electronic device, Mettu discloses an apparatus and a method wherein a user accesses recommended content, location aware content, or filter-out content in accordance with user location, and such that the recommender module or system is a consumer electronic device (See [0052] lines 1-4). Since Brown teaches in Col 16 lines 23-26, that the location aware content maybe applied for any purpose, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the

teaching of Mettu with Brown's invention in order to provide programs and content relevant to locations visited and stored in user profile for later program suggestion.

5. Consider claims 2 and 11, Brown in view of Mettu teaches the method and the mobile terminal of claims 1 and 10, Brown discloses the method wherein said terminal further includes an input device, said input device providing means for providing said initiating signal (See Col 7 lines 12-18, note that the input mechanism allows the user to input initiating signal, see Col 4 lines 49-55).

6. Claims 3-8, 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Mettu as applied to claim 1 above, and further in view of O'Neil (USPPA 2002/0107027).

7. Consider claims 3 and 12. Brown in view of Mettu teaches the method and the mobile terminal of claims 1 and 10 respectively. Brown in view of Mettu may not expressly teach the method wherein said received signal causes said terminal to execute the steps of:

recognizing, from the signal, whether said determined location is outside a predefined home territory of the user; and

if it is recognized that the terminal is outside the home territory, automatically and without intervention by the user other than moving the terminal to a different location, initiating a timer for starting a first predetermined time.

However, O'Neil discloses recognizing, from an initiation signal, whether said determined location is outside a predefined home territory of the user; and
if it is recognized that the terminal is outside the home territory (inherent in roaming systems of wireless communication), automatically and without intervention by the user other than moving the terminal to a different location (See claim 2 and 3), initiating a timer for starting a first predetermined time (See [0039] lines 22-23, note that timer is indispensable in application where counting the duration, delaying, or measuring time is required).
It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement in the system taught by Brown in view of Mettu with an automatic start of timer to record the presence of the user at a location other than his home location because in Brown's invention the location information is to be entered or the user enables the entry of the location but only if the user stays at that location for a given time would the system validate that the user is effectively is at a location different from his/her home location otherwise the user is passing by, roaming, or not staying there for long, which may not necessarily be of interest to the user.

8. Consider claims 4 and 13, Brown in view of Mettu teaches the method and the mobile terminal of claims 3 and 12 respectively, Brown further discloses the method wherein the current location determined in the determining step changes in correspondence with movement of the terminal (See Col 7 lines 1-5),
O'Neil further teaches that the current location determined in the determining step

changes in correspondence with movement of the terminal, said current location comprising at any moment a region and a sub-region within the region (See abstract), the region and sub-region (an example of the region is particular shopping mall, wherein the sub-regions are local stores within that mall, see [0028], line 7) being discernible by the terminal from the signal, the starting step further comprising the step of monitoring said signal to determine whether at least one of the region and the sub-region stays constant over said first predetermined time period (See [0042], lines 4-6).
It would have been obvious to use O'Neil timing scheme because one of ordinary skill in the art at the time of the invention would have had a good reason to pursue the idea of timing the location of the user in a particular region as it would have been within his/her technical grasp. In another word, after determining the location of the user, before recommending any program, considering the location as one of interest to the user, there must be a time interval to test if the user is effectively in an area long enough and he/she is not just passing by or roaming the area shortly.

9. Consider claim 5, 8, 14, and 17, Brown in view of Mettu discloses the method and the mobile terminal of claims 4 and 13 respectively, Brown further teaches the method wherein the monitoring step comprises the steps of:
monitoring said signal to determine whether the region stays constant over said first predetermined time period (See Col 10 lines 32-36). Note that in Brown's disclosure he discloses determining location in park event "locations within the park" where it is determined park location upon moving to the park (See Col 14 lines 18-22).

Brown in view of Mettu and O'Neil may not expressly teach monitoring said signal to determine whether the sub-region stays constant over a second predetermined time period. However, it would have been obvious to one of ordinary skill in the art at the time of invention to monitor the location of the user in an area that is smaller than the previous one for another predetermined period of time, because part of the recommender's function is to narrow down or further select a particular outcome that is of interest to the user based on the location and the time spent in that location. It would have been obvious to further test if the user for example is still at a certain location in the play area or has moved to different play gallery. Furthermore, the monitoring is obvious to have encompassed testing if the user is at particular gallery or just passing by after shortly checking the game, if the user is there for shorter time than the predetermined time, then the recommender would not transmit or process the location information of said gallery. Similarly, before storing its location as one of interest, the mobile would continuously monitor its location over another predetermined period of time to see if the user is at that location or have moved on. Therefore, it would have been obvious to one of ordinary skill in the art to pursue these steps which would have yielded the predictable results as set forth above.

10. Consider claims 6 and 15, Brown in view of Mettu and O'Neil teaches the method and the terminal as discussed above in accordance with claims 5 and 14 respectively, Brown further teaches the saving step further comprises the step of saving the region as an identifier (See Col 10 lines 26-30 and Col 14 lines 21-25, note that event identifier,

the event identifier includes location identifier, see Col 13 lines 62-64) and the informing step comprises the step of informing the recommender system of said region (e.g. PIm server, see Col 8 lines 47-54, note that the PIM server filter out relevant user information after receiving location information and records, see Col 6 lines 1-5). Brown in view of Mettu and O'Neil teaches testing the region to determine if it has stayed constant over a period of time as mentioned above. Although Brown in view of Mettu and O'Neil does not explicitly teach the condition that if it is determined that the region has stayed constant over said first predetermined time period, however testing for this condition would have been obvious because the purpose of including a monitoring step is to monitor the events by testing whether the timer reached a predetermined amount of time in the same region, if it does without any change of the location of the user, then this region might be of an interest to the user, and saving it for later transfer of this location information to the recommender for selecting a particular content as in Brown or updating the preferences “program” as Brown in view of Mettu.

11. With regards to claims 7 and 16, Brown in view of Mettu and O'Neil teaches the method and the terminal as discussed above in accordance with claims 6 and 15 respectively, Brown in view of Mettu does not teach the method wherein, if it is determined that both the region and the sub-region have stayed constant over the first and second predetermined time periods respectively, the saving step further comprises the step of saving the sub-region as an identifier and the informing step comprises the step of informing the recommender system of said sub-region. However, as mentioned

above, the monitoring function not only tests if the user has changed location in a region in a given time, it also has to test for change of location in a much narrower area (sub\-region) if the first region is much larger, it would then have been obvious to one of ordinary skill in the art at the time of the invention, to store the location of the sub-region as an identifier because it will allow Brown's system to further narrow down by means of the recommender the selection of particular prizes in that particular sub-region in a gallery having multiple play areas. Note that in Brown's disclosure he discloses determining location in park event "locations within the park" where it is determined park location upon moving to the park (See Col 14 lines 18-22).

12. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Mettu as applied to claims 1 and 10 above, and further in view of Smith (US Patent 6,580,914).

13. Consider claims 9 and 18. Brown in view of Mettu discloses the method and the mobile terminal in accordance with claims 1 and 10 respectively. Brown does not teach the determining saving and informing steps are initiated automatically by the terminal without intervention by the user other than moving the terminal to a different location. However, Mettu discloses providing location aware user information maybe done automatically (See [0036]). However, in a more specific feature which relates to the movement of the mobile, Smith discloses a determining saving and informing steps of location aware content are initiated automatically by the terminal without intervention by the user other than moving the terminal to a different location (See Col 5 lines 29-30). It

would have been obvious to one of ordinary skill in the art at the time the invention was made to add this feature as taught by Smith in Brown's in view of Mettu because the convenience it presents to the user.

Response to Arguments

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Srinivasan (USPPA 2002/0022488) and Joyce et al (USPPA 2003/000866).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISSAM CHAKOUR whose telephone number is (571)270-5889. The examiner can normally be reached on Monday-Thursday (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Perez Rafael can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/I. C./
Examiner, Art Unit 2617

/Rafael Pérez-Gutiérrez/
Supervisory Patent Examiner, Art Unit 2617